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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,525	08/27/2001	Kyozo Kobayashi	024015-00002	1018

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EXAMINER

JACKSON, ANDRE L

ART UNIT

PAPER NUMBER

3677

DATE MAILED: 03/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/938,525

Applicant(s)

KOBAYASHI, KYOZO

Examiner

Andre' L. Jackson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 August 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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## **DETAILED ACTION**

### **Specification**

The disclosure is objected to because of the following informalities:

On page 4, line 1 of the specification, change "sheet" to read -- seat --.

On page 6, line 30, correct "fashionability" to read -- fashionability --.

Appropriate correction is required.

### **Drawings**

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the retractor as recited in claim 1 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### **Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by USPN 5,335,957 to Golder.

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Golder (Figs. 6-12) discloses a restraint device (110, 210) or seat belt cover for covering a seat belt used in a three-point seat belt system of a motor vehicle for holding an occupant, the three-point system comprising a single shoulder belt (S) and lap belt (L) which is fixed to the body of the motor vehicle at its lower end and which is retractably wound up on a retractor (concealed within the body) provided in the body of the motor vehicle at its upper end, a slip guide (as shown in Fig. 1 and 11 at the upper most point of the shoulder belt) which guides the shoulder belt to the retractor when the belt is wound up, and a through-tongue (160, 260) which has an aperture through which the shoulder and lap belt portions pass and which is detachably secured to a corresponding belt closure (165, 265) of the motor vehicle, the restraint device or cover comprising a flat tubular member (115) through which the belt portions are passed to be covered therewith, wherein, the flat tubular member (as shown in Fig. 8) has a slit-shaped opening (175) provided at its lower end and having a width larger than the width of the through-tongue and a slit-shaped opening (140) provided at its upper end and having a width which is enough to pass the seat belt but not enough to pass the through-tongue.

Referring to claim 5, the flat tubular member further includes an outside belt like member (125) and an inside belt like member (155), wherein the inside belt like member comprises a cushioned foam material internally.

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### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,105,219 to Beadle in view of USPN 5,161,824 to Li. Beadle discloses a buckle guard or cover (10) for covering a seat belt used in a harness belt system of a motor vehicle, the buckle guard or cover comprising a flat tubular member through which the belt portions are passed to be covered therewith, wherein, the flat tubular member has a slit-shaped opening provided at its lower end (24) and having a width larger than the width of a through-tongue (buckle assembly 64) and a slit-shaped opening provided at its upper end (22) and having a width which is enough to pass the seat belt but not enough to pass the through-tongue, however, Beadle does not disclose the specific seat belt system as claimed. Li teaches a safety belt cover (3) and belt system for protecting a passenger (9) of a jeep, truck or passenger car from being hurt. The safety belt system comprising a single belt body (2) which is fixed to the body (8) of the motor vehicle at its lower end (as shown in Fig. 1) and which is retractably wound up on a retractor (6) provided in the body of the motor vehicle at its upper end, a slip guide (5) which guides the shoulder belt to the retractor when the belt is wound up, and a through-tongue (4) which has an aperture through which the seat belt passes and which is detachably secured to a corresponding buckle (41) of the motor vehicle.

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Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to modify the buckle guard of Beadle to include the seat belt system as taught by Li to provide a buckle guard or cover universally operable and functional with various types of seat belt systems.

Referring to claims 3 and 4, the buckle guard comprises an outside belt like member (12) and an inside belt like member, where the inside belt like member comprises two sub-members (14, 16) which are separable detachably by corresponding snap fasteners, having receiving apertures (68, 78) and snap ends or protrusions (74, 84) respectively. Each inside belt member is attached at one side to the outside belt member by edge connections (20a, 20 b) respectively to form a flat tube. As seen in Fig. 2, the lower end of the cover is notched upward at right and left ends (28, 40).

Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beadle in view of Li and further in view of USPN 4,699,401 to Saenz. Beadle in combination with Li discloses all the limitations of applicant's claims except for a pocket being provided on an outer surface of the flat tubular cover for holding a cellular phone therein. Saenz teaches a seat belt cover including a plurality of pockets disposed on an outer surface of a cover. Saenz teaches that pockets can be used for holding various objects or items such as keys, pens or coins for the purpose of storing the objects or items in a convenient location to be readily available for reuse. Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to modify the buckle guard or cover of Beadle to incorporate the pockets as taught by Saenz to provide a belt cover comprising a pocket or pockets for storing a cellular phone in a convenient location to be readily available for reuse.

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### **Response to Applicant's Arguments**

Applicant's arguments filed in Amendment A on December 18, 2002 have been fully considered but they are not persuasive. Applicant argues on page of the amendment that the prior art of record (Fulgenzi et al) does not disclose or suggest limitations recited in applicant's amended claims. In response to the amendments to applicant's claims and this argument, USPN 6,105,219 to Beadle and USPN 5,161,824 to Li have been cited in combination to reject the limitations of applicant's amended claims. Moreover, USPN 5,335,957 to Golder has been cited to reject amended claims 1 and 5. Accordingly, claims 1-7 are rejected.

### **Conclusion**

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre' L. Jackson whose telephone number is (703) 605-4276.

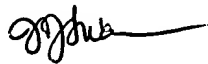
The examiner can normally be reached on Mon. - Fri. (9 am - 5 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (703) 306-4115. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1018.

Andre L. Jackson  
Patent Examiner  
AU 3677

ALJ  
February 26, 2003

  
J. J. SWANN  
SUPERVISORY PATENT EXAMINER  
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